

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL JOHNSON,

Plaintiff,

v.

RYAN CLARK, JOSE TISCARENO,
and others not presently known to Plaintiff.
Defendants,

)
)
)
)
)
)
)

No. 18-CV-

Judge

Jury Demanded

COMPLAINT

NOW COMES the plaintiff, MICHAEL JOHNSON, by his attorneys, Brian W. Coffman, Coffman Law Offices, Mark F. Smolens, Richard R. Mottweiler, and Nicole L. Barkowski of Mottweiler and Smolens, LLP and as his Complaint against the defendants states as follows:

1. This action seeks damages under federal law, Title 42 U.S.C. §1983, for defendants' actions on January 8, 2017 which violated Plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to Title 28 U.S.C. Sections 1331 and 1343.

3. Venue in this District is predicated upon Title 28 U.S.C. Section 1391(b) as all events giving rise to the claims asserted herein took place within this Northern District of Illinois.

4. At all times material hereto, the Plaintiff, MICHAEL JOHNSON, was a resident of County of Cook, State of Illinois, in this District.

5. Defendant RYAN CLARK, at all times material hereto was a sworn law enforcement officer employed by Cook County. At all times material hereto defendant Clark was

acting under color of state law and within the scope of his employment with the CCDOC. Clark is sued individually.

6. Defendant JOSE TISCARENO at all times material hereto was a sworn law enforcement officer employed by Cook County. At all times material hereto defendant Tiscareno was acting under color of state law and within the scope of his employment with the CCDOC. Clark is sued individually.

7. Other individuals not presently known to the plaintiff were, at all relevant times to this complaint, duly appointed employees of Cook County. At all times material to this Complaint, these presently unknown defendants acted toward plaintiff under color of law within the scope of their employment at CCDOC.

8. Plaintiff Michael Johnson is no longer incarcerated, and as a result the provisions of the Prison Litigation Reform Act, 42 U.S.C. § 1997(e) do not apply to the allegations of the instant Complaint.

COMMON ALLEGATIONS

9. On or about January 8, 2017, Michael Johnson was an inmate at the CCDOC.

10. On or about January 8, 2017, defendant officers assaulted, beat, punched multiple times in the face, and pepper sprayed Michael Johnson causing injuries, while plaintiff was under their exclusive dominion and control.

11. Michael Johnson suffered multiple injuries to the head, face, and body.

12. Plaintiff, while still in the custody of CCDOC, was transferred to John H. Stroger, Jr. Hospital of Cook County for treatment of his injuries.

14. Plaintiff remained at John H. Stroger, Jr. Hospital of Cook County for multiple days.

15. By reason of the above described acts of defendants, plaintiff has suffered physical injuries, humiliation, and indignities, and great mental and emotional pain and suffering, all to his damage.

16. The misconduct alleged above was objectively unreasonable and was undertaken intentionally with willful indifference and callous disregard to plaintiff's rights.

17. The misconduct described was undertaken with malice, willfulness, and reckless indifference to the rights of others.

Section 1983 Excessive Force

18. Plaintiff re-alleges and incorporates lines one through seventeen above as if fully restated here.

19. At all times relevant hereto, plaintiff Michael Johnson had the right to be free from injury from unreasonable, malicious, excessive force from state actors such as defendants, as protected by the Fourth and Fourteenth Amendments to the Constitution of the United States.

20. As described above, defendant officers violated plaintiff's right to be free from unreasonable, malicious, excessive force when they assaulted, beat, punched Michael Johnson multiple times in the face; and pepper sprayed Michael Johnson causing injuries, while he was under their exclusive dominion and control.

21. As a result of defendant officers' concerted unjustified and excessive force, plaintiff suffered injuries, pain, and anguish as well as emotion distress.

22. Upon information and belief, one or more of defendant Officers were present during the events alleged above, but played no personal role in the actual use of force on Michael Johnson, yet had a reasonable opportunity to prevent the harm done to Michael Johnson and

could and should have intervened to prevent the unjustified and excessive use of force. As a result of the failure to intervene, Plaintiff suffered pain, injury and emotional distress.

WHEREFORE, plaintiff respectfully request that judgment be entered in his favor, that compensatory and punitive damages be awarded in an amount to be determined by the jury, plus an award to the plaintiff pursuant to Title 28 U.S.C. § 1988 for attorney's fees and costs, in addition to any other relief from this Court deemed just and proper.

Respectfully Submitted,

/s/ Brian W. Coffman

One of the attorneys for Plaintiff

BRIAN W. COFFMAN # 6285942
COFFMAN LAW OFFICES
2615 N. Sheffield Suite #1
Chicago, IL 60614
773-348-1295
bcoffmanlaw@gmail.com

MOTTWEILER & SMOLENS, LLP
MARK F. SMOLENS #6190482
NICOLE L. BARKOWSKI #6295834
RICHARD MOTTWEILER #3123509
1627 Colonial Parkway - Suite 301
Inverness, Il 60067
773 - 580-4982
ryansmolensjones@hotmail.com
nbarkowski@gmail.com
tcblaw@aol.com